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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LOFTUS, ANN E	

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/892,787	SHIODA ET AL.	
	Examiner	Art Unit	
	Ann Loftus	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20 and 32-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20 and 32-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 6/4/07. Claims 46 and 47 are cancelled, and claims 20 and 32 –45 remain pending. Claims 20 and 45 are substantially amended, and minor corrections are made elsewhere. No additional art is cited in this action. The Official Notices in the previous office action were not traversed, thus they stand as admittedly old and well-known.

Response to Arguments

2. Applicant's arguments filed 6/4/07 have been fully considered but they are not persuasive.

The applicant argues the rejection for claim 20, the only pending independent claim, saying that in the claim the data is incomplete before the combining step whereas in the art cited, the data is complete before the combining step. The Examiner respectfully disagrees. The applicant cites a test of completeness as data that cannot be decoded. Until decoding appears in the claims, this is not persuasive. A person of ordinary skill in the art might use a functional test to determine completeness: an item that is complete enough to accomplish its intended purpose is complete. In that sense, a tax program without the annual update is not complete enough to accomplish its purpose before it is combined with its missing information. There is no standard test for the completeness of information, as it relies on a subjective judgment of what

components ought to be present. The claims do not exclude the functional test of completeness, thus under that standard, the art cited teaches the claim limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 20, 32, 33 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over TurboTax software, as described on a web page from 4/24/99 archived at: http://web.archive.org/web/19990424160122/www.intuit.com/support/turbotax/98faqs/index/ndxw_updates.html. The page is about program updates for 1998, and will be referred to as TurboTax.

Referring to claim 20, tax software is sold year-round as base software with the promise of an early Spring update that will include all the latest tax changes for that year. Before the updates are made available, they are combined with the base software into a complete original for testing. The base software is generally sold on a data storage medium such as a compact disc or floppy disk, and used on a terminal device such as a computer. The computer includes:

- means for reading information data recorded in the storage medium that has recorded incomplete information data obtained by partly omitting complete information data;
- means for receiving complementary information data to complement the incomplete information data, thereby reconstructing original complete information data;
- and combine means for combining the incomplete information data read from the storage medium with the complementary information data received by the reception means to reconstruct the original complete information data.

The TurboTax reference teaches the updates available in 1999 for the tax year 1998. It does not teach a complete original before the distribution of the base software. While that would be a slight difference in the process, it would not make a difference to the terminal device, which is the claimed invention. The terminal device is reading the base software, receiving the update, and combining the two. It would have been obvious to a person of ordinary skill in the art at the time of the invention that in the case of spring sales, if the updates were available before the base software was sold, but after a complete original had been formed for testing, that the complete original could still be split into base software plus updates and recombined in order to use a proven install/update method and not rewrite and retest the install instructions. It would also preserve the opportunity for further updates, and reassure the customer of possessing the latest version.

As to claim 32, official notice is taken that the computer as above would have the means to replay the updated software, which is the data combined by the combine means, in the case of TurboTax software.

As to claim 33, TurboTax teaches selection of updates to its 1996 and 1997 versions by clicking on the appropriate link. The browser is a selection means for selecting at least one incomplete information data and transmitting a request signal to an information administration device to send complementary information data corresponding to the selected data. TurboTax teaches an automatic updater for 1998, which applies updates to all detected installed software (sets of incomplete data recorded on the storage medium, which in this case is the hard drive). It would have been obvious for a person of ordinary skill in the art at the time of the invention to provide an updater that detected the installed software and then allowed the user to select from among sets of incomplete information data on the storage medium, in order to prevent the user from trying to obtain updates to software not installed.

As to claim 36, official notice is taken that it is old and well known for software such as TurboTax to be assigned a serial number or license key, which is transmitted to an information administration device by a browser through a registration process.

As to claim 37 and 38, the computer running TurboTax would teach a browser that could transmit a notice to the information administration device. It is old and well-known for such a device to generate a notice of data combine completion to notify the user that the combine means had completed the data combine operation. TurboTax does not teach (to my knowledge) transmitting the notice of data combine completion back to the

information administration device. It would have been obvious to a person of ordinary skill in the art to transmit the notice to the information administration device in order to track successful combine operations.

5. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over TurboTax software in view of CDNow.com. The home page from 4/27/99 is archived at http://web.archive.org/web/19990427211435/www.cdnow.com/cgi-bin/mserver/redirect/leaf=

As to Claims 34 and 35, TurboTax teaches the parent claims as above. CDNow teaches VISA for payment of online purchases. The user financial information, in this case credit card information, would be transmitted to the information administration device so that the information administration device can perform a charging operation prior to transmission (whether by network or shipping) of the information data. If there were a charge for TurboTax updates, it would have been obvious to a person of ordinary skill in the art at the time of the invention to arrange for the browser of the computer terminal device to be used to transmit the user credit card or other financial information to the information administration device because this allows rapid online payment and delivery for items comprised of data.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over TurboTax software in view of mp3.com. The home page of mp3.com from 1/25/99 is archived at:

http://web.archive.org/web/19990125090950/http://mp3.com/

As to claim 39, TurboTax teaches combining data received with data on a storage medium. Mp3.com teaches receiving music data of songs. Official notice is taken it is old and well-known that downloading occurs in pieces which are then reconstructed into information data sets in usable form. For example. an HTML page might consist of several images and a base page, which are received and assembled into a display by the browser and monitor. At a lower level, an image might be broken into several data packets, and routed various ways and received at various times. Thus if the computer has all but one packet in its storage medium, it will receive the complementary information data packet, and combine it with the rest to reconstruct the original complete information data. Then the computer is used to replay the songs in accordance with the complete music file created. This is how songs are downloaded from mp3.com.

Mp3.com does not teach the simultaneous storage of several incomplete songs. TurboTax does teach simultaneous versions of software that all need updates, such as state tax software, or the personal and business versions. It would have been obvious to a person of ordinary skill in the art at the time of the invention that several songs could be stored as incomplete music files then combined with complementary missing data to form complete files, and then played on the computer because that would allow the computer to optimize the downloads, perhaps by working on the fastest one first.

7. Claims 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over TurboTax software in view of mp3.com and further in view of CDNow. The home page of CDNow from 4/27/1999 is archived at

http://web.archive.org/web/19990427211435/www.cdnow.com/cgi-bin/mserver/redirect/leaf=

As to claims 40 and 41, TurboTax teaches combining data received with data on a storage medium. Mp3.com teaches downloading songs and replaying them on a computer. Mp3.com does not teach trial listening. CDNow includes trial listening in the form of sound clips that allow listeners to listen to incomplete samples of music in the form of a few songs from the CD. The sound clips would use replay means on the computer. It would have been obvious to a person of ordinary skill in the art at the time of the invention to add trial listening to any form of music delivery system, in order to make it easy for listeners to try new music. The combination of the trial listening feature and the method of combining data on a storage medium with data received does not confer unexpected advantages.

As to claim 42 and 44, mp3.com teaches displaying a list of songs on an information administration device.

As to claim 43, mp3.com's list of songs would be recorded in the browser cache of the hard drive depending on the browser settings. Thus the list would be recorded in a storage medium on the device with the reading means, the combining means and so on. Mp3.com does not teach recording a list of songs alongside the songs recorded on the storage medium, because there was mp3 player software that recompiled the list from the data and displayed it for the user. It would have been obvious to a person of ordinary skill in the art at the time of the invention to record such a list by saving the compiled display if a historical record of which songs were available was required.

8. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over TurboTax software in view of the Magellan Mapsend and GPS products, described in a press release from June 30, 1999 at

http://www.magellangps.com/news/releases/viewRelease.asp?id=122

As to claim 45, the article teaches geographic map data on a storage medium. The MAP 410 GPS receiver combines information from the CDs of nautical charts with the GPS information of current and stored locations to display combined data.

The amendment of 6/4/07 adds the concept of mesh areas, which the specification equates to a map grid. The article teaches UTM coordinates, which establish mesh areas. The article teaches locations in UTM coordinates, which would be mesh map data addresses.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Loftus whose telephone number is 571-272-7342. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL 8/24/07

ELLA COLBERT
PRIMARY EXAMINER